

-8-of-13-

IV. AMENDMENTS TO THE DRAWINGS

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:
 - *No Amendment Made to the Drawings*
 - *Attachments:* None

-9-of-13-

V. REMARKS/ARGUMENTS

- STATUS OF THE CLAIMS

Claims 19 – 30 remain pending in this application. Claims 19 – 30 have been amended.

- OBJECTIONS

- OBJECTIONS TO CLAIMS

- Examiner's Stance

In the outstanding office action, the Examiner objected to claim 20 because "claim 20, line 6, 'tripping' is misspelled and should be 'gripping'." The Examiner has required appropriate correction.

- Applicants' Response

Applicant extends his appreciation to the Examiner for noting such errata. Applicant has amended claim 19, which Applicant believes the Examiner intended to recite, to include the appropriate correction.

- REJECTIONS

- REJECTION UNDER 35 U.S.C. §103

- Examiner's Stance

The Examiner has rejected claims 19 - 30 under 35 U.S.C. §103 on the basis the claimed embodiments are obvious in light of certain art of record.

With respect to claim 19, 20 and 22 – 30 the Examiner asserts such claims are unpatentable over U.S. Patent No. 5,318,174 to Zoroufy in view of U.S. Patent No. 5,152,404 to Salrin *et al.* and U.S. Patent No. 2,483,051 to Holt. The Examiner asserts that U.S. Patent No. 2,482,0151 to Holt teaches using non-slip material on the bottom portion of a

-10-of-13-

channel-shaped bracket to prevent marring, while U.S. Patent No. 5,152,404 to Salrin teaches a rug display bracket having a leg with a protective cap designed the bar to "prevent scuffing or scratching of interacting surfaces." The Examiner finds a clip structure suited for suspending rugs in U.S. Patent No. 5,318,174 to Zoroufy.

Claim 21 was rejected as being unpatentable over U.S. Patent No. 5,318,174 to Zoroufy in view of U.S. Patent No. 5,152,404 to Salrin *et al.* and U.S. Patent No. 2,483,051 to Holt and further in view of U.S. Patent No. 6,481,585 to Cloughton or U.S. Patent No. 2,626,713 to Peacock. U.S. Patent No. 6,481,585 to Cloughton and U.S. Patent No. 2,626,713 to Peacock are said to disclose spring-type clips. The Examiner asserts that it "would have been obvious to one of ordinary skill in to substitute the clip of Zoroufy, Salrin and Holt combined such it is of a spring type clip as taught by either Peacock or Cloughton."

• Applicants' Response

Applicant respectfully traverses the rejection of claims 19 – 30 based in part on the argument that the Examiner has provided inadequate motivation for the combination of references in the manner indicated by the Examiner.

Applicant respectfully notes that the Examiner does not recite any single reference that sets forth the structure recited in any of the independent claims. In searching for a rug clip assembly as stated in the claims, the Examiner respectfully reaches to at least three different references in an attempt to fabricate such an assembly.

Unable to find a rug clip with the requisite anti-slip material placed on the underside top portion of a bracket, the Examiner turns instead to reference showing the use of "suitable pads" (See, Col. 3, line 4 of U.S. Patent No. 2,483,041 to Holt) on the underside of a bracket used to hold a foldable drying rack on a "chair, door or similar object" (See, Col. 1, lines 11 – 12). Applicant respectfully notes that such "suitable pads" are said in U.S. Patent No. 2,483,041 to Holt to provide that the "rack may bear against the surface of a ... supporting object without marring the surface thereof" (See, Col. 3, lines 1 – 10). Examples of such "suitable pads" are not provided in U.S. Patent No. 2,483,041 to Holt. Regardless, the Examiner reflexively asserts that such pads would provide anti-slip action. Applicant respectfully fails to see how this is necessarily so. Many known non-marring pads are known that are not slip resistant, in fact many items of commerce use non-marring pads that are specifically made to help slippage along a desired course. The Examiner respectfully further

-11-of-13-

inappropriately ignores the fact that the foldable drying rack of Holt does not remotely suggest or imply its usage in holding rugs and carpets.

Possibly in recognition that the "suitable pads" of U.S. Patent No. 2,483,041 to Holt may not have anti-slip properties, and that U.S. Patent No. 2,483,041 to Holt does not relate to a structure for hanging rugs, the Examiner turns to U.S. Patent No. 5,152,404 to Salrin to find rubber (which the Examiner indicates has inherent anti-slip properties) used in conjunction with a rug clip. However, Applicant respectfully asserts that the Examiner only compounds the problem. First, the protective cap referenced by the Examiner is indicated in U.S. Patent No. 5,152,404 to Salrin to be "made of plastic, rubber, or the like" (Col. 5, line 53 of U.S. Patent No. 5,152,404 to Salrin) and is used to "prevent scuffing or scratching of interacting surfaces" and "obviat[ing] accidental removal of [the] fixture [i.e. the bracket] once placed on [the] standard [i.e. the rod] ... and [to] counteract[] any rotational moment imposed on mounting bracket ... by the cantilevered nature of [the] support arm" (Col 5, line 54, Col 6, lines 3 – 7 of U.S. Patent No. 5,152,404 to Salrin). Again, the reference does not teach the use of a protective cap that is necessarily anti-slip. Nor is the support lock sporting the cap indicated to provide for preventing lateral slippage along the bar, a bar which notably in U.S. Patent No. 5,152,404 to Salrin is shown as not movable, that is as stationary (therefore slippage along this axis is not the problem associated with "display racks ... includ[ing] several doors in the form of rectangular metal frames that are hinged to a vertical post" an arrangement that causes "rug clips ... to slip along the top edge of each door as a customer swings them about their hinges due to centrifugal forces" (See, specification of instant application at page 1, line 11 – page 2, line 5)). Regardless, the Examiner asserts that somehow the possible use of rubber in the fabrication of a support lock attached to a bracket to prevent scuffing and to counteract rotational moment on a bracket supporting a cantilevered support arm, suggests its use to prevent a very different problem.

The rug hanger of U.S. Patent No. 5,318,174 can be said to actually teach away from the present invention in that suspender clips are shown to be hanging on a stationary rod with a unpadded cradle hook that is "contoured to [the] rod ... and slidably rest[ing] thereon." (emphasis added) (See Col. 4, lines 61 – 63 of U.S. Patent No. 5,318,174 to Zoroufy).

In short, the Applicant respectfully requests that the Examiner carefully reconsider the Examiner's position with respect to the art of record. Applicant respectfully asserts that the art of record does not recognize the problem resolved by Applicant's asserted

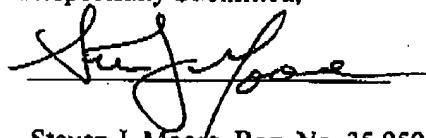
-12-of-13-

embodiments and therefore does not remotely suggest the particular embodiments. Applicant notes that "obvious-to-try" is not a standard for obviousness.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's office action dated October 1, 2004. Applicants respectfully seek early allowance of the pending claims.

Respectfully Submitted,



Steven J. Moore, Reg. No. 35,959
Attorneys for Applicants
Kelley Drye & Warren LLP
Two Stamford Plaza
281 Tresser Boulevard
Stamford, CT 06901-3229
smoore@kellydrye.com

-13-of-13-

VI. APPENDIX

- *No appendix is intended to be attached*

CT01/MOORST/217557.2